IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9066 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT & 2 - Petitioner(s)

Versus

BABUBHAI NANUBHAI TADVI - Respondent(s)

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Appearance :

MR KL PANDYA AGP for Petitioner No(s).: 1,2.

RULE SERVED for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 27/06/2005

ORAL JUDGMENT

1. The State of Gujarat has challenged the orer dated 05.04.1999 passed by the Labour Court, Godhra, in Reference

(LCG) No.26 of 1991, whereby the said reference was partly allowed.

2. Though served none appears for the respondent. Mr.KL Pandya learned AGP has submitted that the issue raised in the petition is now covered by the decision in the case of Gujarat Forest Producers, Gatherers and Forest Workers Union v. State of Gujarat reported in 2004(2) G.L.R. pg.1488, and therefore, the impugned orders are required to be quashed and set aside.

3. I have heard learned AGP and perused the documents placed on record. In view of the aforesaid decision, the order impugned in this petition is required to be quashed and set aside. The matter is remanded to the Labour Court, for deciding the issue afresh in view of the aforesaid decision. It will be open for the respondent to lead evidence before the Labour Court. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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